

Message Text

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C O N F I D E N T I A L MANILA 14380

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SUBJ: MARCOS' SPEECH ON REFERENDUM AND LEGISLATURE: COMMENT

REFC MANILA 14264

1. SUMMARY: DURING SEPT 16 SPEECH ON REFERENDUM AND RETURN TO "NORMALCY" (REFTEL), PRESIDENT MARCOS REITERATED FAMILIAR THEMES ALTHOUGH HE REFORMULATED QUESTIONS WHICH MAY BE PUT TO PEOPLE OCTOBER 16, SCRAPPED IDEA OF NEW CONCON TO AMEND CONSTITUTION, AND HEDGED ON WHETHER THERE WOULD BE ELECTIONS IN 1977 FOR NEW LEGISLATURE. END SUMMARY.

2. FAMILIAR THEMES MARCOS EMPHASIZED:

(A) ONLY PEOPLE CAN RESOLVE "CONSTITUTIONAL" STALEMATE CREATED BY 1973 REFERENDUM AGAINST CONVENING INA;

(B) REFERENDUM IS NOT MERELY CONSULTATION WITH PEOPLE BUT IS "UNSPOKEN" GUARANTEE HE WILL BE GUIDED BY WHAT PEOPLE SAY;

(C) OLD SOCIETY CORRUPTION CAN CREEP BACK INTO THE POLITICAL PROCESS AND HE WILL DO WHATEVER NECESSARY TO PREVENT THIS AND PROTECT GAINS OF NEW SOCIETY;

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(D) PROGRESS TOWARD NORMALIZATION AND ELECTIONS

DEPEND ON PEOPLE'S MATURE PERFORMANCE OF WHICH HE IS JUDGE.
UNDERLYING ALL THESE THEMES IS ASSUMPTION THAT MARCOS
IS EMBODIMENT OF PEOPLE AND WHATEVER HE DOES FULFILLS
PEOPLE'S SOVEREIGN WILL.

3. NO CONCON: ON LESS THEORETICAL LEVEL, PRESIDENT
HAS APPARENTLY ABANDONED PLAN TO CONVOKE CONCON TO AMEND CON-
STITUTION AND ELIMINATE INTERIM NATIONAL ASSEMBLY (INA), HE
HAS RAISED POSSIBILITY OF CONCON WITH NATIONAL ASSOCIATION
OF SANGGUNANG BAYANS AUGUST 16 (MANILA 12402). INSTEAD OF
CONCON, QUESTION EMBRACING AMENDMENTS TO CONSTITUTION WILL BE
SUBMITTED TO PEOPLE ON OCTOBER 16. BEFORE REFERENDUM BOTH CABINET
AND NEW LEGISLATIVE ADVISORY COUNCIL WILL WORK ON PRECISE
FORMULATION OF AMENDMENTS. INTER ALIA THEY MAY ELIMINATE INA
INSTITUTIONALIZE REFERENDUM, AND SEVERELY DELIMIT POWERS
OF LEGISLATIVE BODY WHICH WILL REPLACE INA. IN TELEVISED
CABINET SESSION ON SEPT 17, THERE WAS TALK OF NINE
AMENDMENTS. MARCOS' DECISION TO SCRUB CONCON APPARENTLY
NOT KNOWN TO UNDERSECRETARY BARBERO, WHO IN SPEECH IN
ILIOLO SEPT 16, PREDICTED ELECTIONS FOR CONCON NEXT YEAR,
EMPHASIZING COUNTRY DID NOT NEED "LONG AND TEDIOUS PROCESS
OF A CONSTITUTIONAL CONVENTION," MARCOS CLAIMED "JURIST
AND CONSTITUTIONAL EXPERTS" SAY HE CAN PROPOSE AMENDMENTS
TO CONSTITUTION DIRECTLY. NEVERTHELESS, HE WISHES TO HAVE
THESE PROPOSED BY PEOPLE THROUGH THE BARANGAYS AND
SANGGUNANGS. CABINET WILL DISCUSS PEOPLE'S "SUGGESTIONS
FOR AMENDMENTS" AND REFINE THEM FOR FURTHER CONSIDERATION BY
NEW LEGISLATIVE ADVISORY COUNCIL (BATASAN BAYAN) SCHEDULED TO
CONVENE IN CONVENTION CENTER SEPT 21.

4. AMENDMENT PROCESS: PRESIDENT SEEMS TO HAVE PURPOSE-
FULLY CONFUSED CONSTITUTIONAL AMENDING PROCESS.
ARTICLE XVI OF CONSTITUTION REQUIRES THAT AMENDMENTS
TO OR REVISIONS OF THE CONSTITUTION BE PROPOSED BY
THE NATIOAL ASSEMBLY BY A THREE-FOURTHS VOTE OR BY A
CONCON. NATIONAL ASSEMBLY CAN CALL A CONCON BY A TWO-
THIRDS VOTE OR BY MAJORITY VOTE SUBMIT QUESTION FOR
ELECTORATE TO DECIDE. AMENDMENTS OR REVISIONS TO THE
CONSTITUTION ARE VALID WHEN RATIFIED BY A MAJORITY OF
VOTES CAST IN A PLEBISCITE. ASKED ABOUT THIS SPECIFIC
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PROVISION IN A DISCUSSION PROGRAM SEPT 15, SUPREME
COURT ASSOCIATE JUSTICE BARREDO (SLAVISH MARCOS SUPPORTER)
SAID ARTICLE XVI WAS NOT OPERATIVE. ONLY ARTICLE XVII
(TRANSITORY PROVISIONS) APPLIED. THIS IS ALWAYS INTER-
PRETED AS ALLOWING PRESIDENT TO DO WHATEVER HE WANTS.
WHILE HE ELIMINATED ASSEMBLY AND CONCON FROM RATIFICATION PROCESS,
MARCOS APPARENTLY FELT COMELEC CHAIRMAN PEREZ' POSITION
ON AMENDING PROCESS TOO MUCH EVEN FOR HIM. PEREZ SAID

SEPT 14 THAT PEOPLE'S DECISION IN 1973 REFERENDUM NOT TO CONVOKE INA "MEANS THAT, IF THERE IS SUCH A THING IN CONSTITUTIONAL LAW AS PARTIAL OR SELECTIVE RATIFICATION, THE PEOPLE DID NOT RATIFY THAT PORTION OF THE CONSTITUTION RELATING TO THE INTERIM ASSEMBLY." IN SHORT, THERE WAS NO NEED FOR AMENDMENTS SINCE OBJECTIONABLE OR INCONVENIENT PORTIONS OF CONSTITUTION REALLY NOT RATIFIED.

5. ELECTIONS TIMETABLE: IN HIS SPEECH, PRESIDENT SUGGESTED EVEN DATE (OCTOBER 16) FOR REFERENDUM TENTATIVE ALTHOUGH CABINET DISCUSSON SEPT 17 INDICATED REFERENDUM WILL TAKE PLACE ON THAT DATE. 1975 REFERENDUM, HOWEVER, SLIPPED ON MONTH SINCE DLGCD AND COMELEC COULD NOT PREPARE IT PROPERLY. IF REFERENDUM GOES WELL, PRESIDENT HAS TALKED OF SUMMER ELECTIONS (FEB OR MARCH 1977) FOR NEW LEGISLATIVE BODY. HE HAS CAREFULLY HEDGED, HOWEVER, BY NOTING PEOPLE INDICATED IN 1973 REFERENDUM THERE SHOULD BE NO ELECTIONS UNTIL 1980 AND HE MUST TAKE PEOPLE'S WISHES INTO ACCOUNT.

6. COMMENT: COMMENT: PRESIDENT MARCOS' CONTINUING COMMENTS ON CONSTITUTION, NEW LEGISLATURE, NORMALIZATION, ETC., WOULD SHAME SCHEHERAZADE. TIMETABLE FOR RESTORATION OF CONSTITUTIONAL "NORMALCY" WILL CONTINUE TO CHANGE ACCORDING TO MARCOS' WISHES. ONLY CONSTANT IN EQUATION IS MARCOS' DESIRE TO CONTINUE EXERCISE ABSOLUTE POWER. DURING REVEALING INCIDENT AT CONCLUSION OF HIS SPEECH, MARCOS ENGAGED IN GIVE AND TAKE WITH CHITO LUCERO, GADFLY OF ABOLISHED MANILA CITY COUNCIL AND PERENNIAL MARTIAL LAW CRITIC. EXCHANGE, MUCH OF IT IN TAGALOG, WAS EXTREMELY QUICK AND MARCOS HANDLED HIMSELF BEAUTIFULLY. PRESIDENT SAID SUBSEQUENTLY HE CONFIDENTIAL

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"MISSED THE GIVE AND TAKE OF DEBATE" AND REFERRED NOSTAGICALLY TO HIS DAYS IN CONGRESS. PRESIDENTIAL NOSTALGIA NOTWITHSTANDING, THERE NO MENTION OF EXCHANGE IN GUIDED PRESS SEPT 17. DESPITE HIS STATED COMMITMENT TO "NORMALCY," PRESIDENT CANNOT AND DOES NOT WANT TO GO HOME AGAIN.
SULLIVAN

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